

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**V.**

**MARK KERNEY WEAVER,**

**Defendant.**

**Case No. M-08-47-AR**

## REPORT AND RECOMMENDATION

This matter came on for hearing on the 17<sup>th</sup> day of September, 2008, pursuant to 18 U.S.C. §§ 4241(e) and 4247(d) to determine whether the Defendant has been restored to competency to stand trial. The Plaintiff United States of America appeared by counsel, Assistant United States Attorney Leslie Maye, and the Defendant Mark Kerney Weaver appeared in person and by appointed counsel, Susan Otto, Federal Public Defender.

The parties stipulated to the report from the Federal Medical Center, Butner, North Carolina. That report and the attached Certificate of Restoration of Competency To Stand Trial indicate that the Defendant is able to understand the nature and consequences of the charges filed against him and to assist his attorney in his own defense. The Defendant also proffered that he has been provided his necessary medications and that he has properly been taking them.

Based upon the evidence presented I find by a preponderance of the evidence that the Defendant has recovered to such an extent that he is able to understand the nature and

consequences of the proceedings against him and he is able to assist properly in his defense. The undersigned therefor finds that the Defendant is presently competent to stand trial.

It is therefor recommended that Defendant be found competent to stand trial and that this matter proceed with the initial appearance of the Defendant on the petition filed in the United States District Court for the Western District of Texas alleging that the Defendant has violated the conditions of his supervised release.

The parties were advised in open court of these findings and recommendation and that they would be given until Monday, September 29, 2008, in which to file any objections to this Report and Recommendation.

ENTERED this 17<sup>th</sup> day of September, 2008.

  
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DOYLE W. ARGO  
UNITED STATES MAGISTRATE JUDGE